

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

BARRACK, RODOS & BACINE,

Plaintiff,

v.

BALLON STOLL BADER & NADLER, P.C.,

Defendant.

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Civil Action No. 08 CV 02152 (PKL)

NOTICE OF MOTION

ELECTRONICALLY FILED

PLEASE TAKE NOTICE THAT at, a date to be set by the Court in accordance with the Court's individual rules, in the courtroom of The Honorable Peter K. Leisure, in the United States District Court for the Southern District of New York, located at 500 Pearl Street, Room 1910, New York, NY 10007, plaintiff Barrack, Rodos & Bacine will move this Court, pursuant to Rule 56 of the Federal Rules of Civil Procedure, for summary judgment on its complaint and on defendant Ballon Stoll Bader & Nadler, P.C.'s first counterclaim in the above-captioned matter.

The motion is based upon the instant notice of motion, the accompanying memorandum in support of the motion for summary judgment, all records and papers on file in this action and any evidence or oral argument offered at any hearing on this motion.

Dated: May 15, 2008

Respectfully submitted,

BARRACK, RODOS & BACINE

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and

/s/ Daniel E. Bacine

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